

भारत सरकार
GOVERNMENT OF INDIA



लद्दाख का राजपत्र The Ladakh Gazette

एस.जी.-एल.डी.-अ.-15052023-1194
SG-LD-E-15052023-1194

असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

लद्दाख, 03 मई, 2023
LADAKH, WEDNESDAY, MAY, 03, 2023

Part II - Section 3

केन्द्र-शासित प्रदेश लद्दाख प्रशासन
ADMINISTRATION OF UNION TERRITORY OF LADAKH

Department of Food, Civil Supplies and Consumer Affairs
e-mail: secy.fcscs@gmail.com

Notification,
Ladakh, the 2nd of May, 2023

S.O. 25- In exercise of powers conferred by sub-section (1) of section 40 of the National Food Security Act, 2013, the Lieutenant Governor of Union territory of Ladakh hereby makes the following rules, namely:

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.- (1) These Rules may be called the Ladakh Food Security Rules, 2023.

(2) These rules shall come into force from the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,

- a) “Act” means the National Food Security Act, 2013;
- b) “Administration” means the Administration of the Union territory of Ladakh;
- c) “Appellant” means a party which makes an appeal against the order of the District Grievance Redressal Officer;
- d) “Chapter” “Section and Schedule” means respectively Chapter, Section of and Schedule to the Act;
- e) “Complaints” means and includes a representation in writing or through electronic means containing a grievance alleging deficiency/shortcoming in the implementation of the Act;
- f) “Entitled person” means a person belonging to eligible household identified as such under the Act by the Government and in possession of a valid ration card;
- g) “Household” or “Family” means a domestic unit consisting of the members of a family with one or more persons living in the same dwelling and who share meals from a common kitchen and having a common living accommodation;

Provided that the family who is living under a common roof and having a separate kitchen shall be treated as a separate household for the purpose of these Rules;

- h) “Head of Household” means a person referred to as such in Section 13 of the Act, for the purpose of issue of ration cards;
- i) “Nodal Officers” means officers appointed as such by the Competent Authority under Section 14 of the Act as a part of the internal grievance redressal mechanism; and
- j) “Rules” means Ladakh Food Security Rules, 2023.

(2) Words and expression used but not defined in these Rules shall have the same meaning respectively as assigned to them in the National Food Security Act, 2013, Essential Commodities Act, 1955 (10 of 1955), or any other relevant Act.

CHAPTER-II
IDENTIFICATION OF BENEFICIARIES

3. Identification of Priority Household (PHH).- (1) The priority household to be covered under the Targeted Public Distribution System to receive the entitlement under sub section (1) of Section 3 of the Act shall be as under:-

I. Criteria for Inclusion

- (i) For Urban Areas:

- (a) All Antyodaya Anna Yojana families;
- (b) Household without shelter;
- (c) Household with destitute person who is living on alms;
- (d) Household headed by a widow or a single woman (unmarried/separated/deserted);
- (e) Household headed by differently abled person or individual having disability of above forty percent or terminally ill;
- (f) Transgender person;
- (g) Household dependent on daily wage labour;
- (h) Household with old person, aged sixty years or above with no regular income, support or no assured means of subsistence;
- (i) If all earning adult members in a household are irregular wagers, then that households shall be included; and
- (j) Other vulnerable household such as slum dwellers, rag-picker, unskilled workers, pony walas, donkey walas, domestic workers, sweepers, etc.

(ii) For Rural Areas:

- (a) All Antyodaya Anna Yojana families;
- (b) Household without shelter;
- (c) Household with destitute person who is living on alms;
- (d) Household headed by a widow or a single woman unmarried/separated/deserted;
- (e) Household headed by differently abled person or individual having disability of above forty percent or terminal ill;
- (f) Transgender person;
- (g) Household with old person, aged sixty or above with no regular income, support or no assured means of subsistence;
- (h) Household dependent on agriculture labourers;
- (i) Tribal household with no regular income; and
- (j) Other vulnerable household such as pony walas, donkey walas, potters, cobblers, domestic workers, sweepers, etc.

II. Criteria for Exclusion

- (a) Household with at least one member as income tax payer;
 - (b) Businessman having business turnover of Rs.25 lacs per year;
 - (c) Person having land holding above 10 kanals in case of individuals and 20 kanals in case of joint family in urban areas. In rural areas the same shall be 30 kanals & 50 Kanals respectively; (All based on Self Declaration);
 - (d) All the household who are retired Government Servant drawing pension;
 - (e) All the household in the regular service of State Government, Central Government, Public Sector Undertaking, Banks, Corporation, Autonomous bodies, Boards, banks, Army, CAPF, etc; and
 - (f) All person holding constitutional authority/position.
- (2) All the household, who are not included in either of the above criteria groups, shall be included in Non-Priority Household (NPHH) Category.
- (3) The Administration reserves a right to fully or partially amend these eligibility criteria any time as and when deemed necessary or on the instructions/guidelines/order of the Government of India. Further, above classification of household shall also be subject to any uniform guidelines issued by the Government of India in respect of any category.

CHAPTER-III
GRIEVANCE REDRESSAL MECHANISM

- 4. Internal Grievance Redressal Mechanism.-** (1) For the purpose of section 14 of the Act, all the Inspector or Tehsil Supply Officers (TSO) of Department of Food, Civil Supplies and Consumer Affairs in their respective block or tehsil, the Assistant Director, Department of Food Civil Supplies and Consumer Affairs in the respective district and the officer in charge of the Food Distribution Section in Director Department of Food Civil Supplies and Consumer Affairs not below the rank Assistant Director Department of Food Civil Supplies and Consumer Affairs in the respective District shall function as Nodal officer for Internal Grievance Redressal Mechanism.
- (2) The Nodal Officer under sub-rule (1) shall monitor all the complaints received through online e-PDS portal available on the department's website or through the telephonic help line setup in this regard or receive personally and forward the same to the concerned District Grievance Redressal Officer (DGRO) for their redressal.
- (3) Any person or body of persons or institution dealing with the matter of consumer welfare can lodge a complaint with the concerned block or tehsil level Nodal Officer, as the case may be.
- (4) There shall be a call centre-based help line with toll-free number to be established in the offices of Director Department of Food, Civil Supplies and Consumer Affairs for registering complaints and providing information to the public:
- Provided that the complaints relating to Non-Distribution of entitled food received by the concerned block level or tehsil level Nodal Officer, as the case may be, shall be referred to the concerned District Grievance Redressal Officer (DGRO) within seven working days with intimation to the complainant.
- (5) On receipt of complaint through any mode, it shall be entered into complaint register and printed acknowledgment slip bearing date and number shall be issued to the complainant or his authorized representative forthwith, as the case may be.
- (6) The Block Level Nodal Officers shall immediately place all such complaints received from any person or body of persons or institution, as the case may be, before the concerned District Grievance Redressal Officer (DGRO) for disposal.
- (7) The complainant shall be informed in writing or through e-mail or telephonically, as the case may be, about the manner in which grievance has been redressed.

5. District Grievance Redressal Officer (DGRO).- (1) For the purpose of section 15 of the Act, the concerned Deputy Commissioner or an Officer designated by Deputy Commissioner not below the rank of Assistant Commissioner Revenue shall function as ex-officio District Grievance Redressal Officer in the respective jurisdiction for expedition and effective redressal of grievance of the aggrieved person in matter relating to distribution of entitled food grain under chapter-II of the Act.

(2) The District Grievance Redressal Officer shall hear complaints referred to him by the Nodal Officer, under sub-rule (6) of rule 4 or directly lodged with him or taken suo-motto by him, for expeditious and effective redressal of grievance of aggrieved person in the matter having nature of deficiency, short coming, corruption or mismanagement in distribution of entitled food grain to the entitled household and matters relating to distribution of entitled food grains under chapter-II of the Act:

Provided that the District Grievance Redressal Officer in case of complaint(s) received either in writing through post or through Helpline Call Center, Toll free number or through e-mail, as the case may be, shall cause verification of the complaint received in order to avoid ambiguous complaint by issuing notice to the complainants in writing.

6. Procedure for disposal of complaints.- (1) For every complaint the District Grievance Redressal Officers, shall verify whether there is a prima-facie substance in the complaint to proceed in the matter.

(2) If the District Grievance Redressal Officer, is satisfied, that there is prima-facie substance in the complaint, he shall seek explanation in the matter from concerned officer(s) against whom complaint has been made, along with relevant documents. The requisite explanation and documents shall be furnished by the concerned officer(s) against whom complaint has been made, to the District Grievance Redressal Officer, within fifteen days.

(3) Based on the explanation of concerned officer(s) against whom complaint has been made, and the available documents, if the District Grievance Redressal Officer is satisfied about the veracity of the grievance, he shall issue necessary order for its redressal within thirty days from the date of receipt of the complaint. The District Grievance Redressal Officer shall dismiss the complaint, in case no merit is found.

(4) In the case of genuine grounds for disagreement between the parties on the claims made in the complaint the District Grievance Redressal Officer shall issue notices to all parties in the matter about fixing date, time and place for the hearing. The Officer may also, at a request of the parties or suo-moto, adjourn the proceedings to some other date with or without cost.

(5) On the date fixed for hearing the District Grievance Redressal Officer, shall hear the parties and take such evidence as may be presented by them. After hearing all the parties and taking into consideration the evidence during the hearing, the officer shall pass suitable order within sixty days from the date of receipt of complaint:

Provided that if, on the date of hearing fixed by the District Grievance Redressal Officer, the complainant is absent, he may dismiss the complaint. However, if, on the date fixed by him the defending party is absent, he may proceed to enquire the matter ex-parte and decide accordingly.

(6) The complainant must be informed of the decision on his complaint in writing or through electronic mode, e-mail, by post or personally.

(7) If the District Grievance Redressal Officer is of the opinion that the disposal of the complaints requires more than prescribed time under sub-rule (3) and (5) above, the complainant shall be sent an interim reply citing the reasons for delay.

(8) The District Grievance Redressal Officer shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure 1908, and in particular, in respect of the following matters, namely:

- a) Summoning and enforcing the attendance of any person and examining him on oath;
- b) Discovery and production of any document;
- c) Receiving evidence on affidavits;
- d) Requisition of any public record or copy thereof from any court or office; and
- e) Issuing commissions for the examination of witnesses or documents.

(9) The District Grievance Redressal Officer(s) may refer the complaints to any related authorities for causing enquiries and report to him or he may call for explanation to any authority under his jurisdiction including the Nodal Officers or may issue summon to any such authority or the complainant to appear before him/her for personal hearing.

(10) The District Grievance Redressal Officer shall resort to summary procedure and will dispose of the complaint by giving all concerned an opportunity of hearing.

(11) The District Grievance Redressal Officer shall after causing enquiry and hearing both the parties in person or on records, pass a speaking order, against which appeal may be preferred by the aggrieved party in Ladakh Food Commission.

(12) The District Grievance Redressal Officer(s) shall take all necessary administrative assistance from, the concerned Assistant Directors, inspector, or Tehsil Supply Officer of Department of Food, Civil Supplies and Consumer Affairs, as the case may be, while disposing of such complaints.

7. Powers of District Grievance Redressal Officer.- (1) The District Grievance Redressal Officers, while enquiring into complaints, shall have powers to require any person-

- (a) to produce before, and allow to be examined such books, accounts, documents or any other material in custody or under control of the persons so required as may be specified in the requisition.
- (b) to furnish such information as may be required.

(2) The District Grievance Redressal Officers can issue appropriate orders in disposing of the complaints received under sub-section (1) of section 15 of the Act.

(3) While deciding a complaint, the District Grievance Redressal Officers can recommend the action to be taken by the Administration against the Storekeepers/Assistant Storekeeper of the Department, if found to be responsible, according to the provisions of these Rules.

8. Monitoring the disposal of complaints.- Disposal of complaints shall be monitored by the Administrative Secretary to Government, Department of Food Civil Supplies and Consumer Affairs at least once in every quarter.

9. Appeal.- (1) Any person aggrieved from an order passed by the District Grievance Redressal Officer may prefer an appeal before the Ladakh Food Commission within 30 days from the date of the order.

(2) An appeal under sub-rule (1) and shall be accompanied by such documents and fee as may be prescribed by the Administration.

CHAPTER-IV **LADAKH FOOD COMMISSION**

10. Ladakh Food Commission.- The Administration may by notification establish a Commission to be known as the Ladakh Food Commission as per Section 16 of the Act or if considered necessary by notification designate any other statutory commission or a body to exercise the powers and perform the functions of the Ladakh Food Commission.

CHAPTER-V **COMPOSITION OF VIGILANCE COMMITTEES**

11. Vigilance Committees.- (1) For the purpose of section 29 of the Act, there shall be Vigilance Committee at Village Level, Block Level, District Level and Union Territory Level in the following manner namely:

(i) **Composition of Village/Ward Level Vigilance Committee:**

The Village/Ward Level Vigilance Committee shall be constituted as follows:

S.No.	Rural	Urban
1.	Sarpanch of Panchayat concerned (Chairperson)	Concerned Member Municipal Ward (Chairperson)

2.	Tehsil Supply Officer (TSO)/Inspector of the area - <i>(Member/Convener)</i>	Tehsil Supply Officer (TSO)/Inspector of the area - <i>(Member/Convener)</i>
3.	Two ration card holders of the village to be nominated one each by Halqa Panchayat on rotational basis for one year - <i>(Members)</i>	Two ration card holders of the ward to be nominated one each by the President, Municipal Committee for one year on rotational basis - <i>(Members)</i>
4.	One Prominent educated Person of the Village to be nominated by the concerned Assistant Director, Food Civil Supplies & Consumer Affairs Department - <i>(Member)</i>	One Prominent educated Person of the ward/Locality to be nominated by the concerned Assistant Director, Food Civil Supplies & Consumer Affairs Department - <i>(Member)</i>

(ii) **Composition of Block Level Vigilance Committee:**

S.No.	Block Level Vigilance Committee	Urban Local Body Level Vigilance Committee
1.	Chairperson of the Block Development Council - <i>(Chairperson)</i>	President of Municipal Committee - <i>Chairperson</i>
2.	One Block Development Council Member to be nominated by the Chairperson - <i>(Member)</i>	One Ward member to be nominated by Chairperson - <i>(Member)</i>
3.	Block Development Officer (BDO) Concerned - <i>(Member)</i>	Executive Officer (EO) Concerned Municipal Body - <i>(Member)</i>
4.	Tehsil Supply Officer (TSO) - <i>Member/Convener</i>	Tehsil Supply Officer (TSO) - <i>Member/Convener</i>
5.	One Member from Scheduled Caste & Scheduled Tribe Community, if available to be nominated by the Assistant Director, Food Civil Supplies and Consumer Affairs.	One Member from Scheduled Caste/Scheduled Tribe Community, if available to be nominated by the Assistant Director, Food Civil Supplies and Consumer Affairs.
6.	One Woman to be nominated by the Chairperson	One Woman to be nominated by the Chairperson
7.	One Specially abled to be nominated by the Block Medical Officer concerned	One Specially abled to be nominated by the Block Medical Officer concerned

8.	One Ration card holder well educated person, to be nominated by the Tehsil Supply Officer (TSO).	One Ration card holder well educated person, to be nominated by the Tehsil Supply Officer (TSO).
----	--	--

(iii) Composition of District Level Vigilance Committee:

S.No.	District Level Vigilance Committee	
1.	Deputy Commissioner of the concerned District	<i>Chairperson</i>
2.	Additional District Development, Commissioner (ADDC)	<i>Member</i>
3.	The Assistant Director, Food Civil Supplies & Consumer Affairs of the concerned District	<i>Member/ Convener</i>
4.	One Tehsil Supply Officer to be nominated by the concerned Assistant Director, Food Civil Supplies and Consumer Affairs	<i>Member</i>
5.	One Member each from Scheduled Caste & Scheduled Tribe Community, if available to be nominated by the Deputy Commissioner for two years, on rotational basis. In case of non-availability of Scheduled Caste/Scheduled Tribe category two members from General category to be nominated by the Deputy Commissioner for two years, on rotational basis.	<i>Members</i>
6.	One Woman to be nominated by the Deputy Commissioner	<i>Member</i>
7.	One Specially abled or destitute person to be nominated by the Deputy Commissioner	<i>Member</i>
8.	Two Representatives from consumer or social organization to be nominated by the Deputy Commissioner	<i>Member</i>
9.	Two prominent members from civil society to be nominated by the Deputy Commissioner	<i>Members</i>

(iv) Composition of Union Territory Level Vigilance Committee:

S.No.	Union Territory Level Vigilance Committee	
1.	Advisor to Hon'ble Lieutenant Governor	<i>Chairperson</i>
2.	Administrative Secretary, Food Civil Supplies & Consumer Affairs Department	<i>Member/Convener</i>
3.	One Administrative Secretary to be nominated by the Advisor	<i>Member</i>
4.	The Deputy Commissioners one from each district.	<i>Members</i>
5.	Two members from Consumer related organization to be nominated by the Administration.	<i>Members</i>
6.	Two Members one each from Scheduled Caste & Scheduled Tribe community to be nominated by the Administration, if available	<i>Members</i>
7.	Two Women to be nominated by the Administration	<i>Members</i>
8.	Two prominent members from civil society to be nominated by the Administration	<i>Members</i>
9.	Two Specially Abled/Destitute person to be nominated by the Administration	<i>Members</i>

- (2) In case of vacancy of Sarpanch, Ward Member, Block Development Council Chairperson, Presidents - Municipal Committee or Council and District Development Council Chairperson, Tehsil Supply Officer of the concerned jurisdiction Tehsildar, Additional District Development Commissioner shall be the Chairperson of the Village Level Committee, Block/Urban Level Vigilance Committee and District Level Vigilance Committee respectively.
- (3) The Vigilance Committees shall perform such functions and have such powers as are prescribed under section 29 of the Act.

CHAPTER-VI

ROLE OF PANCHAYATS AND URBAN LOCAL BODIES

12. Responsibility of Panchayats and Urban Local Bodies.- (1) The Administration may choose to assign such duties at district, tehsil and village level to the Panchayats which in its opinion, cannot be conveniently carried out by existing arrangements.

- (2) The Administration may choose to assign such duties in Municipal areas to the Urban local bodies which in its opinion cannot be conveniently carried out by existing arrangement of service delivery.

CHAPTER-VII **SOCIAL AUDIT**

13. Social Audit.- (1) For the purpose of section 28 of the Act, the Vigilance Committee constituted under rule 21 shall conduct periodic social audit covering overall functioning of the Targeted Public Distribution System as follows:-

- a. Regular opening of Government ration depot;
- b. Timely receipt and distribution of food grains;
- c. Quality of food grains and correct weighment;
- d. Proper and correct maintenance of the records and equipments such as ePoS device, Iris scanner or weighment scales;
- e. Display of stock, price, entitlement and other details by the Store Keeper/Assistant Store Keeper/In-charge Store Keeper;
- f. Availability of list of ration cards holders;
- g. Display of citizens charter and complaint box;
- h. Verification of at least five percent of the ration card to ensure proper and timely distribution of Public Distribution System commodities; and
- i. Any other issues concerning fair price shop and distribution of food grains.

- (2) All records related to allotment, storage and distribution of ration commodities under Public Distribution System at Government ration depot shall be placed in the village level meeting of Vigilance committee to be held at least twice a year (August and January) for social audit.
- (3) The Government ration depot shall be duty bound to produce all their records during Social Audit and to cooperate fully in the Social Audit process.
- (4) After audit of documents by the Village Level Vigilance Committee, the report along with recommendation shall be submitted to Block Level Vigilance Committee. After examination by Block Level Vigilance Committee, recommendation shall be forwarded to District Level Vigilance Committee for further necessary action.
- (5) After audit of documents at ward level meeting in urban areas, the report along with recommendation shall be submitted to Block Level Vigilance Committee. After examination by Block Level Vigilance Committee, recommendation shall be forwarded to District Level Vigilance Committee for further necessary action.

- (6) In case any action found to have been taken contrary to the interest of the beneficiaries at the time of social audit, the same shall be brought forthwith to the notice of the concerned authorities for taking action under applicable rules.
- (7) After compiling the social audit report of Government ration depot, necessary examination shall be made at district level and concerned Deputy Commissioner shall take further necessary action. Action taken on the social audit report shall be forwarded to concerned Directorates and Administrative Department during each financial year.
- (8) Social Audit shall not be conducted in a manner obstructing the normal work of any Government official or authority and efforts shall be made to cover as many Government ration depots as possible.
- (9) The action taken report relating to the previous social audit shall be read out at the beginning of the village level or ward level meeting, as the case may be, of each social audit.

CHAPTER-VIII

MISCELLANEOUS

- 14. Report.-** A Monthly report on complaint received and disposed off shall be sent by the District Grievance Redressal Officer to the Administration.
- 15. Publicity.-** There shall be a wide publicity for grievance redressal at all levels for information of the general public.
- 16. Keeping records on public domain.-** All records related to Targeted Public Distribution system, guidelines notified by the Administration for identification of eligible priority households, list of beneficiaries under Antyodaya Anna Yojana Households or eligible households for distribution under Targeted Public Distribution System under section 3 of the Act, shall be open for Public domain on the web portal maintained for this purpose and kept open for inspection to the public free of charge.
- 17. Surrender of entitlements under the Act.-** (1) A beneficiary may, if he so desired by applying to the concerned local authority in writing surrender his right-entitlements either temporarily or permanently.
(2) The entitlement shall be automatically revived at the end of the period of such temporary surrender, unless such period of surrender is extended further in writing by the concerned beneficiary.
(3) Where right has been surrendered permanently by a beneficiary, he may at a subsequent date in writing apply to the concerned local authority for his entitlements to be in, after giving proper justification and the said authority shall do so with immediate effect.

18. Feedback of default in provision of entitlements.- The public authority is responsible for provision of entitlements as required by the Act shall, in cases where beneficiary does not turn up to claim the entitlements or has surrendered it under Rule 27, report such event along with beneficiary wise list to Director Department of Food, Civil Supplies and Consumer Affairs as may be prescribed by the Administration.

19. Utilization of Grievance Redressal Mechanism.- The Administration may utilize the National Food Security Act Grievance Redressal Mechanism for redressal of grievance under other scheme or programme of the Central Government or the Administration of Ladakh, as the case may be.

20. Power to Remove difficulties.- If any difficulty arises in giving effect to the provisions of these Rules, the Administration may, by order, publish in the Official Gazette by making such provisions, not inconsistent with the provisions of the Act and these rules, as appear to it to be necessary or expedient for removing the difficulty.

21. Repeal and Saving.- (1) All rules, orders or circulars instruction issued by Government from time to time, which are covered under these rules shall stands repealed.

(2) Notwithstanding such repeal-

- (a) anything done, any action taken or any identification of eligible household made; or
- (b) any right, entitlement or liability acquired accrued or incurred; or
- (c) any guidelines framed or direction issued; or
- (d) any inquiry or any other legal proceeding initiated, conducted or continued in respect of such right, entitlement or liability; or
- (e) any penalty imposed under the said orders/circulars instructions shall be deemed to have been done, taken, made, acquired, accrued, incurred, framed, issued, initiated, conducted, continued or imposed under the corresponding provision of these rules.

By order of the Lieutenant Governor, Union territory of Ladakh.

(Yetindra M. Maralkar), IAS
Secretary
Food and Civil Supplies and Consumer Affairs

“No legal responsibility is accepted for the contents of publication of advertisements/publications in this part of The Ladakh Gazette. Persons notifying the advertisements/public notices will remain solely responsible for the legal consequences and also for any other misrepresentation etc.”